

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**PRAVIN O. DESAI, KAJAL
PROPERTIES, LLC, NPHD, INC.,
JAYMINE ENTERPRISE, INC., and
RAJ HOTELS LIMITED, INC.,**

Plaintiffs,

V.

**US BANK, US BANCORP, US BANK
NATIONAL ASSOCIATION, FIDELITY
NATIONAL TITLE INSURANCE
COMPANY, FIDELITY NATIONAL
TITLE INSURANCE COMPANY OF
NEW YORK, FIDELITY NATIONAL
TITLE, ASHFORD FINANCIAL
GROUP, ASHFORD TRUST
FINANCIAL, INC., CLARK NEW
JERSEY HOTELS, LP, OMAHA-
NEBRASKA HOTELS, LP, ZIONS
BANK, ZIONS FIRST NATIONAL
BANK, ZIONS BANCORPORATION,
and ZIONS SMALL BUSINESS LOAN
TRUST,**

Defendants.

8:06CV779

ORDER

The matter before the Court is the Plaintiffs' Motion for Extension (Filing No. 49), in which the Plaintiffs ask this Court for an order extending the time to file a brief in opposition to the Motion to Dismiss First Amended Complaint submitted by Defendants US Bank, US Bankcorp and US Bank National Association (Filing No. 37). The Plaintiffs ask that their deadline be extended by fourteen days. The Defendants oppose the extension of time, asserting that the Plaintiffs' response is untimely and that they have not made the requisite showing to reopen the briefing period.

The Defendants filed their motion to dismiss and supporting brief on March 19, 2007. They assert that under NECivR 7.1(b)(1)(B), the Plaintiffs had only twenty days to respond—on or before April 9, 2007. However, under this Court's CM/ECF Civil Administrative Procedures, Rule II.B.4, the three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail applies to service by electronic means. The Plaintiffs had twenty-three days in which to respond, making their response due on or before April 11, 2007. The Plaintiffs' Motion for Extension was filed on April 11, 2007, and as such the Court finds their response timely. The Defendants have not objected for reasons other than timeliness, and therefore I will grant the Plaintiffs' motion.

IT IS ORDERED:

1. The Plaintiffs' Motion for Extension (Filing No. 49) is granted; and
2. The Plaintiffs' brief in opposition shall be filed on or before April 25, 2007.

DATED this 16th day of April, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge